

# EXHIBIT A

Court of Common Pleas of Philadelphia County  
Trial Division  
**Civil Cover Sheet**

		For Prothonotary Use Only (Docket Number)	
PLAINTIFF'S NAME ANDREW BRACKEN		<b>AUGUST 2018</b> E-Filing Number: 1808018237 <b>000350</b>	
PLAINTIFF'S ADDRESS 13512 BUSTLETON AVENUE APT. 4206 PHILADELPHIA PA 19116		DEFENDANT'S NAME DOLGENCORP, LLC DBA DOLLAR GENERAL	
PLAINTIFF'S NAME		DEFENDANT'S ADDRESS 100 MISSION RIDGE GOODLETTSVILLE TN 37072	
PLAINTIFF'S ADDRESS		DEFENDANT'S NAME WERNER ENTERPRISES	
PLAINTIFF'S NAME		DEFENDANT'S ADDRESS 14507 FRONTIER ROAD OMAHA NE 68145	
PLAINTIFF'S ADDRESS		DEFENDANT'S NAME STEPHEN KUJOVSKY	
TOTAL NUMBER OF PLAINTIFFS 1		TOTAL NUMBER OF DEFENDANTS 5	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00		COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
COURT PROGRAMS <input type="checkbox"/> Arbitration <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Non-Jury <input type="checkbox"/> Other:		<input type="checkbox"/> Mass Tort <input checked="" type="checkbox"/> Savings Action <input type="checkbox"/> Petition <input type="checkbox"/> Commerce <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> Settlement <input type="checkbox"/> Minors <input type="checkbox"/> W/D/Survival	
CASE TYPE AND CODE 2S - PREMISES LIABILITY, SLIP/FALL			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
		<b>FILED</b> <b>PROTHONOTARY</b> <b>AUG 08 2018</b> <b>M. BRYANT</b>	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>ANDREW BRACKEN</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY ANDREW VANWAGNER		ADDRESS LUNDY LAW, LLP 1635 MARKET STREET 19TH FLOOR PHILADELPHIA PA 19103	
PHONE NUMBER (215) 567-3000	FAX NUMBER (215) 567-2700		
SUPREME COURT IDENTIFICATION NO. 309486		E-MAIL ADDRESS avanwagner@lundylaw.com	
SIGNATURE OF FILING ATTORNEY OR PARTY ANDREW VANWAGNER		DATE SUBMITTED Wednesday, August 08, 2018, 02:12 pm	

FINAL COPY (Approved by the Prothonotary Clerk)

**COMPLETE LIST OF DEFENDANTS:**

1. DOLGENCORP, LLC DBA DOLLAR GENERAL  
100 MISSION RIDGE  
GOODLETTSVILLE TN 37072
2. WERNER ENTERPRISES  
14507 FRONTIER ROAD  
OMAHA NE 68145
3. STEPHEN KUJOVSKY  
2012 KLINE STREET  
LEBANON PA 17042
4. DOLLAR GENERAL DISTRIBUTION CENTER  
30 MARTHA DRIVE  
BETHEL PA 19507
5. DOLLAR GENERAL CORPORATE HEADQUARTERS  
100 MISSION RIDGE  
GOODLETTSVILLE TN 37072

LUNDY LAW, LLP  
 BY: ANDREW J. VAN WAGNER, ESQUIRE  
 IDENTIFICATION NO. 309486  
 19th FLOOR  
 1635 MARKET STREET  
 PHILADELPHIA, PA. 19103-2297  
 215-567-3000  
 avanwagner@lundylaw.com

Andrew Bracken  
 13512 Bustleton Avenue  
 Apt. 4206  
 Philadelphia, PA 19116

Plaintiff(s)

v.

DOLGENCORP, LLC d/b/a Dollar General  
 100 Mission Ridge  
 Goodlettsville, TN 37072

(See Additional Defendants Attached)

Defendant(s)

NOTICE TO DEFEND

**NOTICE**

"You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

"YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**LAWYER REFERRAL SERVICE**  
 1 Reading Center  
 Philadelphia, PA 19107  
 215-238-1701

PROthonary  
 ATTORNEY FOR PLAINTIFF  
 Filed and docketed by the  
 Office of Judicial Records  
 ASSESSMENT OF COSTS HEARING:  
☒ IS NOT REQUIRED  
☒ Jury ☐ Non-Jury ☐ Arbitration

COURT OF COMMON PLEAS

PHILADELPHIA COUNTY

Trial Division

AUGUST TERM, 2018

No

**AVISO**

"Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días, de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

"LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

**LAWYER REFERRAL SERVICE**  
 1 Reading Center  
 Philadelphia, PA 19107  
 215-238-1701

Case ID: 180800350

**Additional Defendants:**

Dollar General Corporate Headquarters  
100 Mission Ridge  
Goodlettsville, TN 37072

and

Dollar General Distribution Center  
30 Martha Drive  
Bethel, PA 19507

and

Werner Enterprises  
14507 Frontier Road  
Omaha, NE 68145

and

Stephen Kujovsky  
2012 Kline Street  
Lebanon, PA 17042

LUNDY LAW, LLP  
BY: ANDREW J. VAN WAGNER, ESQUIRE  
IDENTIFICATION NO.: 309486  
1635 MARKET STREET, 19<sup>th</sup> FLOOR  
PHILADELPHIA, PA 19103-2297  
(215) 567-3000  
avanwagner@lundylaw.com

ATTORNEY FOR PLAINTIFF

Andrew Bracken  
13512 Bustleton Avenue  
Apt. 4206  
Philadelphia, PA 19116

Plaintiff

v.

DOLGENCORP, LLC d/b/a Dollar General  
100 Mission Ridge  
Goodlettsville, TN 37072

And

Dollar General Corporation  
100 Mission Ridge  
Goodlettsville, TN 37072

And

Dollar General Distribution Center  
30 Martha Drive  
Bethel, PA 19507

And

Werner Enterprises  
P.O. Box 45308  
14507 Frontier Road  
Omaha, NE 68145

And

Stephen Kujovsky  
2012 Kline Street  
Lebanon, PA 17042

Defendants

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

AUGUST TERM, 2018

NO. \_\_\_\_\_

Case ID: 180800350

COMPLAINT

1. Plaintiff, Andrew Bracken, is an adult individual who resides at address noted in the caption.

2. Defendant, DOLGENCORP, LLC, d/b/a is a business entity with a registered office located at the address noted in the caption.

3. Defendant, Dollar General Corporation, is a business entity with a registered office located at the address noted in the caption.

4. Defendant, Dollar General Distribution Center is a business entity with a registered office located at the address noted in the caption.

5. Defendant, Werner Enterprises, is a business entity with a registered office located at the address noted in the caption.

6. Defendant, Stephen Kujovsky, is an adult individual who resides at the address noted in the caption.

7. Upon information and belief, all Defendants regularly conduct business in the Philadelphia County.

8. At all times relevant hereto, defendants, upon information and belief, Werner Enterprises, DOLGENCORP, LLC d/b/a Dollar General, Dollar General Corporation, Dollar General Distribution Center and/or Stephen Kujovsky owned, operated, leased, maintained, managed, supervised, possessed and/or controlled tractor trailer #11824.

9. At all times relevant hereto, upon information and belief, trailer #11824 was stored, maintained, managed, controlled and supervised at Dollar General Distribution Center located at 30 Martha Drive, Bethel, PA 19507.

10. At all times relevant hereto, upon information and belief, Defendant Stephen

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Kujovsky, was the Director of the Dollar General Distribution Center located at 30 Martha Drive, Bethel, PA 19507.

11. At all times relevant hereto, there was a dangerous and/or hazardous condition in the nature of a defective and/or broken lift gate on trailer #11824.

12. At all times relevant hereto, all Defendants were enshrined with the duty to keep trailer #11824 free from any dangerous and/or hazardous conditions.

13. On, February 16, 2017, at approximately 1:00 PM, Plaintiff, Andrew Bracken, was loading goods into trailer #11824 at a Dollar General store located at 1146 Broadway Street, Elmira, NY.

14. At the aforesaid date and time, the lift gate in trailer #11824, malfunctioned and/or failed to work properly in so far as it did not become flush with the bottom of the trailer causing, Plaintiff, Andrew Bracken, to sustain serious and permanent injuries while attempting to unload said goods from the trailer.

15. At all times material hereto, Defendants, acted and/or failed to act by and through its respective agents, servants, workmen and/or employees. As a direct and proximate result of the aforesaid negligence of Defendants, Plaintiff, Andrew Bracken, has suffered severe and permanent injuries to his body which include but are not limited to, herniations to the lumbar spine and corresponding radiculopathy. Plaintiff, Andrew Bracken, suffered internal injuries of an unknown nature, he suffered severe aches, pains, mental anxiety and anguish and a severe shock to his entire nervous system and other injuries the full extent of which is not yet known. Plaintiff, Andrew Bracken, sustained an aggravation and/or exacerbation of injuries both known and unknown. He has in the past and will in the future undergo severe pain and is unable to attend to his usual duties and occupation, all to his great financial detriment and loss.

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16. As a direct and proximate result of the negligence of Defendants, Plaintiff, Andrew Bracken, has been compelled to effectuate a cure for the aforesaid injuries, to expend large sums of money for medicine and medical attention and may be required to expend additional sums for the same purpose in the future.

17. As a direct and proximate result of the negligence of Defendants, Andrew Bracken, has been prevented from attending to his usual daily activities and duties, and may be so prevented for an indefinite period of time in the future, all to his great detriment and loss.

18. As a direct and proximate result of the negligence of Defendants, Plaintiff, Andrew Bracken, has suffered physical pain and mental anguish and humiliation and may continue to suffer same for an indefinite period of time in the future.

19. As a direct and proximate result of negligence of Defendants, Plaintiff, Andrew Bracken, has suffered loss of wages and earning capacity.

#### COUNT I

#### Plaintiff, Andrew Bracken v. Defendant, DOLGENCORP, LLC d/b/a Dollar General

20. Plaintiff, Andrew Bracken incorporates herein by reference the allegations contained in the above paragraphs as though the same was herein set forth at length.

21. The aforesaid act was caused as a direct and proximate result of the carelessness and negligence of Defendant, DOLGENCORP, LLC d/b/a Dollar General, by and through its agents, servants, workmen and/or employees and consisted of the following:

- a. failing to warn and/or adequately warn individuals of said dangerous, defective and hazardous condition on trailer #11824;
- b. causing and/or permitting a dangerous and hazardous condition to exist on trailer #11824 which Defendant, DOLGENCORP, LLC d/b/a Dollar

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General, knew or should have known caused an unreasonable risk of harm to Plaintiff;

c. failing to properly and adequately construct, repair and maintain the lift gate on trailer #11824;

d. failing to properly and adequately maintain trailer #11824 so as to prevent the dangerous and hazardous condition to exist;

e. failing to protect the safety of Plaintiff as it relates to the above acts of negligence;

f. causing, allowing and/or permitting a dangerous condition on trailer #11824, so as to constitute a menace, danger, nuisance and trap to Plaintiff; and

g. failing to properly perform its statutory, common law and ordinance duties as it relates to the above acts of negligence.

WHEREFORE, Plaintiff, Andrew Bracken, demands judgment in his favor against defendant, DOLGENCORP, LLC d/b/a Dollar General, in a sum in excess of Fifty Thousand Dollars (\$50,000.00) plus costs, pre and post judgment interest, attorney's fees and all other relief allowed by law.

## **COUNT II**

### **Plaintiff, Andrew Bracken v. Defendant, Dollar General Corporation**

22. Plaintiff, Andrew Bracken incorporates herein by reference the allegations contained in the above paragraphs as though the same was herein set forth at length.

23. The aforesaid act was caused as a direct and proximate result of the carelessness and negligence of defendant, Dollar General Corporation, by and through its agents, servants,

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workmen and/or employees and consisted of the following:

- a. failing to warn and/or adequately warn individuals of said dangerous, defective and hazardous condition on trailer #11824;
- b. causing and/or permitting a dangerous and hazardous condition to exist on trailer #11824 which defendant, Dollar General Corporation, knew or should have known caused an unreasonable risk of harm to Plaintiff;
- c. failing to properly and adequately construct, repair and maintain the lift gate on trailer #11824;
- d. failing to properly and adequately maintain trailer #11824 so as to prevent the dangerous and hazardous condition to exist;
- e. failing to protect the safety of Plaintiff as it relates to the above acts of negligence;
- f. causing, allowing and/or permitting a dangerous condition on trailer #11824, so as to constitute a menace, danger, nuisance and trap to Plaintiff; and
- g. failing to properly perform its statutory, common law and ordinance duties as it relates to the above acts of negligence.

WHEREFORE, Plaintiff, Andrew Bracken, demands judgment in his favor against defendant, Dollar General Corporation, in a sum in excess of Fifty Thousand Dollars (\$50,000.00) plus costs, pre and post judgment interest, attorney's fees and all other relief allowed by law.

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**COUNT III**

**Plaintiff, Andrew Bracken v. Defendant, Dollar General Distribution Center**

24. Plaintiff, Andrew Bracken incorporates herein by reference the allegations contained in the above paragraphs as though the same was herein set forth at length.

25. The aforesaid act was caused as a direct and proximate result of the carelessness and negligence of Defendant, Dollar General Distribution Center, by and through its agents, servants, workmen and/or employees and consisted of the following:

- a. failing to warn and/or adequately warn individuals of said dangerous, defective and hazardous condition on trailer #11824;
- b. causing and/or permitting a dangerous and hazardous condition to exist on trailer #11824 which Defendant, Dollar General Distribution Center, knew or should have known caused an unreasonable risk of harm to Plaintiff;
- c. failing to properly and adequately construct, repair and maintain the lift gate on trailer #11824;
- d. failing to properly and adequately maintain trailer #11824 so as to prevent the dangerous and hazardous condition to exist;
- e. failing to protect the safety of Plaintiff as it relates to the above acts of negligence;
- f. causing, allowing and/or permitting a dangerous condition on trailer #11824, so as to constitute a menace, danger, nuisance and trap to Plaintiff; and
- g. failing to properly perform its statutory, common law and ordinance duties as it relates to the above acts of negligence.

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WHEREFORE, Plaintiff, Andrew Bracken, demands judgment in his favor against Defendant, Dollar General Distribution Center, in a sum in excess of Fifty Thousand Dollars (\$50,000.00) plus costs, pre and post judgment interest, attorney's fees and all other relief allowed by law.

**COUNT IV**

**Plaintiff, Andrew Bracken v. Defendant, Werner Enterprises**

26. Plaintiff, Andrew Bracken incorporates herein by reference the allegations contained in the above paragraphs as though the same was herein set forth at length.

27. The aforesaid act was caused as a direct and proximate result of the carelessness and negligence of Defendant, Werner Enterprises, by and through its agents, servants, workmen and/or employees and consisted of the following:

- a. failing to warn and/or adequately warn individuals of said dangerous, defective and hazardous condition on trailer #11824;
- b. causing and/or permitting a dangerous and hazardous condition to exist on trailer #11824 which defendant, Werner Enterprises, knew or should have known caused an unreasonable risk of harm to Plaintiff;
- c. failing to properly and adequately construct, repair and maintain the lift gate on trailer #11824;
- d. failing to properly and adequately maintain trailer #11824 so as to prevent the dangerous and hazardous condition to exist;
- e. failing to protect the safety of Plaintiff as it relates to the above acts of negligence;
- f. causing, allowing and/or permitting a dangerous condition on

Case ID: 180800350

trailer #11824, so as to constitute a menace, danger, nuisance and trap to Plaintiff; and

g. failing to properly perform its statutory, common law and ordinance duties as it relates to the above acts of negligence.

WHEREFORE, Plaintiff, Andrew Bracken, demands judgment in his favor against Defendant, Werner Enterprises, in a sum in excess of Fifty Thousand Dollars (\$50,000.00) plus costs, pre and post judgment interest, attorney's fees and all other relief allowed by law.

#### COUNT V

##### Plaintiff, Andrew Bracken v. Defendant, Stephen Kujovsky

28. Plaintiff, Andrew Bracken incorporates herein by reference the allegations contained in the above paragraphs as though the same was herein set forth at length.

29. The aforesaid act was caused as a direct and proximate result of the carelessness and negligence of Defendant, Stephen Kujovsky, by and through his agents, servants, workmen and/or employees and consisted of the following:

- a. failing to warn and/or adequately warn individuals of said dangerous, defective and hazardous condition on trailer #11824;
- b. causing and/or permitting a dangerous and hazardous condition to exist on trailer #11824 which defendant, Stephen Kujovsky, knew or should have known caused an unreasonable risk of harm to Plaintiff;
- c. failing to properly and adequately construct, repair and maintain the lift gate on trailer #11824;
- d. failing to properly and adequately maintain trailer #11824 so as to prevent the dangerous and hazardous condition to exist;

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e. failing to protect the safety of Plaintiff as it relates to the above acts of negligence;

f. causing, allowing and/or permitting a dangerous condition on trailer #11824, so as to constitute a menace, danger, nuisance and trap to Plaintiff; and

g. failing to properly perform its statutory, common law and ordinance duties as it relates to the above acts of negligence.

WHEREFORE, Plaintiff, Andrew Bracken, demands judgment in his favor against Defendant, Stephen Kujovsky, in a sum in excess of Fifty Thousand Dollars (\$50,000.00) plus costs, pre and post judgment interest, attorney's fees and all other relief allowed by law.

Date:

8/8/18

LUNDY LAW, LLP

BY:

Andrew J. Van Wagner, Esquire  
Attorney for Plaintiff(s)

Case ID: 180800350

VERIFICATION

Andrew Bracken hereby states that he is the Plaintiff in the above action and verifies that the statements made in the foregoing Complaint are true and correct to the best of his knowledge, information and belief. He understands that the statements therein are made subject to the penalties of 18 P.A. C.S.A. §4904, relating to unsworn falsification to authorities.

  
Andrew Bracken, Plaintiff

Case ID: 180800350



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ANDREW BRACKEN  
Plaintiff

PENNSYLVANIA COURT OF COMMON  
PLEAS, PHILADELPHIA COUNTY

v.

CASE NO. 180800350

*Filed and Attested by the  
Office of Judicial Records  
29 AUG 2018 10:27 pm  
G. IMPERATO*

DOLGENCORP, LLC DBA DOLLAR  
GENERAL; WERNER ENTERPRISES;  
STEPHEN KUJOVSKY, DOLLAR  
GENERAL DISTRIBUTION CENTER,  
DOLLAR GENERAL  
HEADQUARTERS  
Defendants

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**ENTRY OF APPEARANCE**

TO THE COURT:

Kindly enter the appearance of MATTHEW T. PISANO, ESQUIRE on behalf of Defendants Dolgencorp, LLC (incorrectly identified as Dollar General Distribution Center and Dollar General Corporate Headquarters) and Stephen Kujovsky in the above matter. A jury trial is demanded.

**PISANO LAW FIRM**

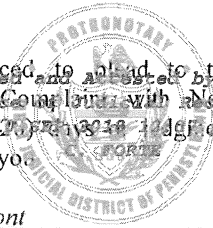
By: Matthew T. Pisano  
Matthew T. Pisano, Esquire  
Attorneys for Defendants  
Dolgencorp, LLC and Stephen Kujovsky

Date: August 29, 2018

**NOTICE TO PLEAD**

You are hereby notified to plead to the enclosed Answer or Complaint with New Matter within twenty (20) days or judgment may be entered against you.

*/s/ Jon Michael Dumont*  
Jon Michael Dumont



**SALMON RICCHEZZA SINGER & TURCHI, LLP**

By: Jon Michael Dumont  
James R. Callan  
I.D. Nos. 69083/88762  
1601 Market Street, Suite 2500  
Philadelphia, PA 19103  
(215) 606-6600  
[jdumont@srstlaw.com](mailto:jdumont@srstlaw.com)  
[jcallan@srstlaw.com](mailto:jcallan@srstlaw.com)

Attorneys for Defendant  
Werner Enterprises, Inc.

ANDREW BRACKEN,	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
Plaintiff,	:	
	:	
v.	:	August Term 2018
	:	No.: 350
DOLGENCORP, LLC d/b/a DOLLAR	:	
GENERAL, DOLLAR GENERAL	:	<b>JURY TRIAL DEMANDED</b>
CORPORATE HEADQUARTERS,	:	
DOLLAR GENERAL DISTRIBUTION	:	
CENTER, WERNER ENTERPRISES,	:	
And STEPHEN KUJOVSKY,	:	
	:	
Defendants.	:	

**DEFENDANT WERNER ENTERPRISES, LLC'S  
ANSWER TO PLAINTIFF'S COMPLAINT**

Defendant, Werner Enterprises, Inc., improperly identified in the Complaint as Werner Enterprises, by and through its attorneys, Salmon Ricchezza Singer & Turchi, LLP, hereby answers plaintiff's Complaint, pursuant to the Pennsylvania Rules of Civil Procedure, as follows:

1. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information upon which to form a belief as to the truth of averments contained in paragraph 1 of the Complaint, and accordingly, those averments are denied.

2. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information upon which to form a belief as to the truth of averments contained in paragraph 2 of the Complaint, or the averments are conclusions of law to which no response is required, and accordingly, those averments are denied.

3. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information upon which to form a belief as to the truth of averments contained in paragraph 3 of the Complaint, or the averments are conclusions of law to which no response is required, and accordingly, those averments are denied.

4. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information upon which to form a belief as to the truth of averments contained in paragraph 4 of the Complaint, or the averments are conclusions of law to which no response is required, and accordingly, those averments are denied.

5. Admitted in part; denied in part. Answering defendant admits only that Werner Enterprises, Inc. is a corporation with a business office located at 14507 Frontier Road, Omaha, Nebraska. The remaining averments contained in paragraph 5 of the Complaint are denied.

6. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information upon which to form a belief as to the truth of averments contained in paragraph 6 of the Complaint, and accordingly, those averments are denied.

7. Denied. The averments contained in paragraph 7 of the Complaint are conclusions of law to which no response is required, and accordingly, those averments are denied.

8. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information upon which to form a belief as to the truth of remaining averments contained in paragraph 8 of the Complaint, or the averments are conclusions of law to which no response is required, and accordingly, those averments are denied.

9. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information upon which to form a belief as to the truth of averments contained in paragraph 9 of the Complaint, or the averments are conclusions of law to which no response is required, and accordingly, those averments are denied.

10. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information upon which to form a belief as to the truth of averments contained in paragraph 10 of the Complaint, and accordingly, those averments are denied.

11. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information upon which to form a belief as to the truth of averments contained in paragraph 11 of the Complaint, or the averments are conclusions of law to which no response is required, and accordingly, those averments are denied.

12. Denied. The averments contained in paragraph 12 of the Complaint are conclusions of law to which no response is required, and accordingly, those averments are denied.

13. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information upon which to form a belief as to the truth of averments contained in paragraph 13 of the Complaint, and accordingly, those averments are denied.

14. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information upon which to form a belief as to the truth of averments contained in

paragraph 14 of the Complaint, or the averments are conclusions of law to which no response is required, and accordingly, those averments are denied.

15. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information upon which to form a belief as to the truth of averments contained in paragraph 3 of the Complaint, or the averments are conclusions of law to which no response is required, and accordingly, those averments are denied. By way of further answer, this defendant denies any such negligence and demand strict proof thereof at trial.

16. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information upon which to form a belief as to the truth of averments contained in paragraph 16 of the Complaint, or the averments are conclusions of law to which no response is required, and accordingly, those averments are denied. By way of further answer, this defendant denies any such negligence and demand strict proof thereof at trial.

17. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information upon which to form a belief as to the truth of averments contained in paragraph 17 of the Complaint, or the averments are conclusions of law to which no response is required, and accordingly, those averments are denied. By way of further answer, this defendant denies any such negligence and demand strict proof thereof at trial.

18. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information upon which to form a belief as to the truth of averments contained in paragraph 18 of the Complaint, or the averments are conclusions of law to which no response is required, and accordingly, those averments are denied. By way of further answer, this defendant denies any such negligence and demand strict proof thereof at trial.

19. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information upon which to form a belief as to the truth of averments contained in paragraph 19 of the Complaint, or the averments are conclusions of law to which no response is required, and accordingly, those averments are denied. By way of further answer, this defendant denies any such negligence and demand strict proof thereof at trial.

**COUNT I**  
**Plaintiff v. DOLGENCORP, LLC d/b/a Dollar General**

20. Answering defendant incorporates by reference its answers to paragraphs 1 through 19 above as though same were set forth at length herein.

21. Denied. The averments contained in paragraph 21 of the Complaint, and its sub-parts (a) through (g), are not directed to answering defendant. To the extent an answer is required, this defendant is without sufficient knowledge or information upon which to form a belief as to the truth of averments contained in paragraph 21 of the Complaint, and its sub-parts (a) through (g), or the averments are conclusions of law to which no response is required, and accordingly, those averments are denied.

WHEREFORE, defendant, Werner Enterprises, Inc., demands that plaintiff's Complaint be dismissed with prejudice as to it, and that judgment be rendered in its favor and against plaintiff, together with costs, fees, and such other and further relief as may be appropriate.

**COUNT II**  
**Plaintiff v. Dollar General Corporation**

22. Answering defendant incorporates by reference its answers to paragraphs 1 through 21 above as though same were set forth at length herein.

23. Denied. The averments contained in paragraph 23 of the Complaint, and its sub-parts (a) through (g), are not directed to answering defendant. To the extent an answer is



required, this defendant is without sufficient knowledge or information upon which to form a belief as to the truth of averments contained in paragraph 23 of the Complaint, and its sub-parts (a) through (g), or the averments are conclusions of law to which no response is required, and accordingly, those averments are denied.

WHEREFORE, defendant, Werner Enterprises, Inc., demands that plaintiff's Complaint be dismissed with prejudice as to it, and that judgment be rendered in its favor and against plaintiff, together with costs, fees, and such other and further relief as may be appropriate.

**COUNT III**  
**Plaintiff v. Dollar General Distribution Center**

24. Answering defendant incorporates by reference its answers to paragraphs 1 through 23 above as though same were set forth at length herein.

25. Denied. The averments contained in paragraph 25 of the Complaint, and its sub-parts (a) through (g), are not directed to answering defendant. To the extent an answer is required, this defendant is without sufficient knowledge or information upon which to form a belief as to the truth of averments contained in paragraph 25 of the Complaint, and its sub-parts (a) through (g), or the averments are conclusions of law to which no response is required, and accordingly, those averments are denied.

WHEREFORE, defendant, Werner Enterprises, Inc., demands that plaintiff's Complaint be dismissed with prejudice as to it, and that judgment be rendered in its favor and against plaintiff, together with costs, fees, and such other and further relief as may be appropriate.

**COUNT IV**  
**Plaintiff v. Werner Enterprises**

26. Answering defendant incorporates by reference its answers to paragraphs 1 through 25 above as though same were set forth at length herein.

27. Denied. Answering defendant denies any such negligence or carelessness and demand strict proof thereof at trial. By way of further answer, the averments contained in paragraph 27 of the Complaint, and its sub-parts (a) through (g), are conclusions of law to which no response is required, and accordingly, those averments are denied.

WHEREFORE, defendant, Werner Enterprises, Inc., demands that plaintiff's Complaint be dismissed with prejudice as to it, and that judgment be rendered in its favor and against plaintiff, together with costs, fees, and such other and further relief as may be appropriate.

**COUNT V**  
**Plaintiff v. Stephen Kujovsky**

28. Answering defendant incorporates by reference its answers to paragraphs 1 through 27 above as though same were set forth at length herein.

29. Denied. The averments contained in paragraph 29 of the Complaint, and its sub-parts (a) through (g), are not directed to answering defendant. To the extent an answer is required, this defendant is without sufficient knowledge or information upon which to form a belief as to the truth of averments contained in paragraph 29 of the Complaint, and its sub-parts (a) through (g), or the averments are conclusions of law to which no response is required, and accordingly, those averments are denied.

WHEREFORE, defendant, Werner Enterprises, Inc., demands that plaintiff's Complaint be dismissed with prejudice as to it, and that judgment be rendered in its favor and against plaintiff, together with costs, fees, and such other and further relief as may be appropriate.



NEW MATTERS

1. Plaintiff's Complaint fails to state a claim upon which relief can be granted.
2. Plaintiff's injuries and damages, if any, were caused solely and directly as a result of plaintiff's own negligence, carelessness and recklessness.
3. Plaintiff assumed the risk of any damages or injuries, and therefore, his claims are barred or limited.
4. The negligence of plaintiff either bars his right to recover completely, or reduces his claims based upon the extent of plaintiff's negligence under the doctrine of comparative negligence and/or contributory negligence.
5. The service of process upon defendants was improper or insufficient.
6. Plaintiff's claims are barred by the doctrine of *laches*.
7. Plaintiff's claims are barred or limited by their violation of the rules, regulations, and statutes of the Commonwealth of Pennsylvania and of all local authorities relevant hereto, governing the operation of motor vehicles on the streets and highways.
8. Defendant claims any and all defenses available to it pursuant to Pennsylvania's Financial Responsibility Law. 75 Pa.C.S.A. § 1701 *et seq.*
9. Plaintiff's alleged accident was proximately caused, in whole or in part, by the fault of third parties for whom answering defendant had no control over and for whom it is not legally responsible.
10. No omissions or conduct on the part of answering defendant contributed to plaintiff's injuries and damages, if any.

11. Under all of the circumstances existing, answering defendant acted reasonably, carefully, lawfully and prudently, fulfilling any and all duties owed to persons in the position of the plaintiff, to the extent reasonable and possible.

12. Plaintiff failed to mitigate his alleged damages.

13. The damages complained of by plaintiff preexisted, or are unrelated to the accident which is the subject matter of this Complaint.

14. Any negligence, carelessness, recklessness and/or omissions of other individuals and/or entities, constitutes intervening, superseding causes of the damages alleged to have been sustained by plaintiff, said damages being denied.

15. Plaintiff's claims are barred by any release, collateral estoppel or res judicata.

16. Plaintiff's alleged damages, if any, were the result of an unavoidable accident or sudden emergency.

17. This Honorable Court lacks personal and/or subject matter jurisdiction over answering defendant.

WHEREFORE, defendant, Werner Enterprises, Inc., demands judgment in its favor and against plaintiff, dismissing plaintiff's Complaint as to answering defendant together with an award of costs and disbursements incurred by answering defendant, including attorneys' fees together with such other relief in favor of said defendant as this Honorable Court shall deem appropriate under the circumstances.

**JURY DEMAND**

Defendants demand a jury of twelve.

Respectfully submitted,

**SALMON RICCHEZZA SINGER & TURCHI, LLP**

By: /s/ *Jon Michael Dumont*

Jon Michael Dumont  
James R. Callan  
Attorney for Defendant,  
Werner Enterprises, Inc.

Date: September 10, 2018.

VERIFICATION

I, Emily Rosenvold, Sr., Bodily Injury Claims Examiner for defendant, Werner Enterprises, Inc., hereby verify that the facts set forth in the foregoing Defendant's Answers to Plaintiff's Complaint on behalf of Werner Enterprises, Inc., are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the Penalties of 18 Pa. Const. Stat. Ann. Section 4904, relating to unsworn falsification to authorities.



Emily Rosenvold, AIG  
Sr. Bodily Injury Claims Examiner  
Werner Enterprises, Inc.

Dated:

9.10.18

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Answer to Plaintiff's Complaint has been served via electronic filing upon the following:

Andrew Vanwagner, Esquire  
Lundy Law, LLP  
1635 Market Street, 19<sup>th</sup> Floor  
Philadelphia, PA 19103  
**Attorney for Plaintiff**

Matthew T. Pisano, Esquire  
Pisano Law Firm  
1628 John F. Kennedy Blvd.  
8 Penn Center – Suite 1002  
Philadelphia, PA 19103  
**Attorneys for Co-Defendants**

**SALMON RICCHEZZA SINGER & TURCHI, LLP**

By: /s/ Jon Michael Dumont

Jon Michael Dumont  
James R. Callan  
Attorney for Defendant,  
Werner Enterprises, Inc.

Dated: September 10, 2018.

LUNDY LAW, LLP  
BY: ANDREW J. VAN WAGNER, ESQUIRE  
IDENTIFICATION NO.: 309486  
19th FLOOR  
1635 MARKET STREET  
PHILADELPHIA, PA 19103-2297  
856-382-1310  
avanwagner@lundylaw.com

Filed and Attested by the  
Office of Judicial Records  
21 SEP 2018 10:33 am  
C. FORTE



COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

August, 2018 TERM

No. 180800350

Andrew Bracken

Plaintiff

v.

DOLGENCORP, LLC d/b/a  
DOLLAR GENERAL, et al

Defendants

**PLAINTIFF'S REPLY TO DEFENDANT, WERNER ENTERPRISES, LLC'S ANSWER TO COMPLAINT WITH NEW MATTER**

1. – 17. Denied. The allegations in these paragraphs are legal conclusions to which no response is required pursuant to the Pennsylvania Rules of Civil Procedure. To the extent the allegations are deemed to be factual, those allegations are specifically denied, and strict proof thereof is demanded at trial. To the extent these allegations attempt to interpret, discuss or characterize Pennsylvania substantive or statutory law, the law speaks for itself and any interpretation, discussion or characterization of the law by Defendant is specifically denied.

WHEREFORE, Plaintiff demands judgment in his favor and against Defendant, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable costs and other relief this court deems necessary.

LUNDY LAW, LLP

A handwritten signature in black ink, appearing to read "Andrew J. Van Wagner".

Date: 9/21/18

BY: \_\_\_\_\_  
Andrew J. Van Wagner, Esquire  
Attorney for Plaintiff

# EXHIBIT B

ANDREW BRACKEN	:	PENNSYLVANIA COURT OF COMMON
Plaintiff	:	PLEAS, PHILADELPHIA COUNTY
	:	
v.	:	CASE NO. 180800350
	:	
DOLGENCORP, LLC DBA DOLLAR	:	
GENERAL; WERNER ENTERPRISES;	:	
STEPHEN KUJOVSKY, DOLLAR	:	
GENERAL DISTRIBUTION CENTER,	:	
DOLLAR GENERAL	:	
HEADQUARTERS	:	
Defendants	:	

**AFFIDAVIT**

I, STEPHEN KUJOVSKY, being duly sworn, of age, make this affidavit of my own personal knowledge while affirming and attesting to the following with full knowledge of the penalties relating to sworn false statement to authorities:

1. I am an adult individual who resides in Lebanon, Pennsylvania.
2. I am not presently employed by any party to this litigation.
3. I have never been employed by Dolgencorp, LLC/Dollar General at the Elmira, NY retail store.
4. I was employed by Dolgencorp, LLC at the Bethel, Pennsylvania Distribution Center from April, 2013 until January 7, 2016.
5. I understand Plaintiff is alleging personal injury occurred on February 16, 2017 and I was not employed by any party to this litigation on this date of loss.

*Further Affiant Sayeth Naught.*

Sworn to and Subscribed  
on this 31 day of

Oct. 2018

Notary Public

  
Stephen Kujovsky

Commonwealth of Pennsylvania

NOTARIAL SEAL  
THOMAS G. ARNOLD, Notary Public  
East Hempfield Twp., Lancaster Co., PA  
My Commission Expires Feb. 10, 2020